

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Lamparter (US 5,604,480).

Lamparter discloses (Figs.2, 5) a lighting device having a plurality of arrays of LEDs [20'] that form a plurality of differently shaped symbols. The device includes an electrical circuit ([53]+[62]) and a light having two different colors (col.2, lines 25-30).

It would have been an obvious matter of design choice to provide the different decorative shapes formed by the arrays of the LEDs for the purpose of an aesthetic appearance.

Response to Arguments

Applicant's arguments filed 9/06/2005 have been fully considered but they are not persuasive.

Applicant argues, that Lamparter discloses the device displaying the words, but does not display two cats positioned together to form a hearth shape.

In response, the reference cited in the Office Action discloses the device having the structure in accordance with the claim limitations. The structure can obtain any desired shape, which is a matter of design choice, because does not change functionality of the device and used for the purpose of an aesthetic appearance only. Difference between the "Utility patent" and "Design Patent" Applicant can find in the MPEP, chapter 1500.